

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS SCHUELKE,

Plaintiff,

v.

ORDER

14-cv-139-jdp

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

On February 21, 2014, plaintiff Thomas Schuelke filed a motion under 42 U.S.C. § 405(g), seeking review of the defendant commissioner's final decision that he was not disabled. On June 8, 2015, following full briefing by the parties and oral argument, the court entered judgment in favor of the commissioner. Plaintiff appealed. While the appeal was pending, counsel filed a joint motion under Fed. R. Civ. P. 62.1(1)(3), seeking an indication from this court that it would be inclined to grant relief from the June 8, 2015 judgment should the court of appeals remand the case for that purpose. On February 10, 2016, this court entered such an order. On February 17, 2016, the court of appeals remanded the case under Fed. R. App. P. 12.1 and Cir. R. 57 for a ruling on counsel's joint motion for judgment reversing the commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remanding the case to the commissioner. The motion will be granted.

On remand, an administrative law judge will develop the record regarding any treatment and rating(s) of disability from the Department of Veterans Affairs (VA), give plaintiff an opportunity for a new hearing and issue a new decision.

ORDER

IT IS ORDERED that the decision of the Acting Commissioner of Social Security in this case is REVERSED and the case is REMANDED to the commissioner.

Entered: April 13, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge